**GOVERNMENT OF ANDHRA PRADESH**

ABSTRACT

Public Services - Cooperation Department - Departmental proceedings under Rule 9 of A.P. Revised Pension Rules, 1980 against Sri Ch.Kondaiah Deputy Registrar /OSD(Retd.) PDCCB Ltd, Ongole and FAC post of DCO, Ongole - Article of Charge -Issued.

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AGRICULTURE AND COOPERATION (VIG.III) DEPARTMENT

G.O.RT.No. 884 Dated: 22-12-2015

Read :-

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ORDER: -

In exercise of the powers under Rule 9(2) (a) of AP Revised Pension Rules,,1980, Government hereby institute the Article of charge against Sri Ch.Kondaiah, DR /OSD (Retired) PDCCB Ltd. Ongole (Retd.) and FAC post of DCO, Ongole as indicated in Annexure-I.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I & II). A list of documents by which, and a list of witnesses by whom the article of charge is proposed to be sustained are also enclosed (Annexure III and IV). Copies of the documents cited in Annexure-III are also communicated herewith to the Charged Officer. Other witnesses and documents will also be cited and examined if necessary in addition to the witnesses and documents already cited in Annexure-III & IV).

3. Sri Ch.Kondaiah, Deputy Registrar (Retd) is directed to appear before the disciplinary authority within 10 days of the receipt of this charge memo and submit a written statement of his defence.

4. Sri Ch.Kondaiah, Deputy Registrar (Retd) is informed that an inquiry will be held in respect of the article of charge if not admitted. He should, therefore specifically admit or deny article of charge framed against him.

5. Sri Ch.Kondaiah, Deputy Registrar (Retd), is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Sri Ch.Kondaiah, Deputy Registrar (Retd) is informed that, Rule 24 of the APCS (Conduct) Rules, 1964 stipulates that under no circumstances Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that the said Sri Ch.Kondaiah, Deputy Registrar (Retd.) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the AP Civil Services (Conduct ) Rules,1964.

P.T.O.

7. The receipt of this order shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.VIJAY KUMAR,
SPECIAL CHIEF SECRETARY TO GOVT.(AGRI, AM&C)

To
Sri Ch.Kondaiah, Deputy Registrar(Retd.) **through** Commissioner for Cooperation & Registrar of Cooperative Societies, ,AP.,Hyd.

Copy to:

The Commissioner for Cooperation & Registrar of Cooperative Societies, ,AP.,Hyd. with a request to serve the charge Memo. to the Charged Officer and obtain the dated acknowledgment from him.

//FORWARDED BY ORDER//

SECTION OFFICER

## **Annexure-I**

Statement of article of charge framed against Sri.Ch.Kondaiah, Deputy Registrar (Reid) the then DR/OSD, PDCCB Ltd, Ongole and holding FAC post of DCO,Ongole.

**Article of Charge:-**

a. "That Sri.Ch.Kondaiah, Deputy Registrar (Retd) while holding Full Additional Charge of the post of District Cooperative Officer, Ongole had issued a No-objection Certificate to the Prakasam District. Milk Producers Mutually Aided Cooperative Union, Ongole to convert into a Producers Company, without obtaining the prior approval of the competent authority ie., State Registrar of MACS, Commissioner & Registrar of Milk Cooperatives, and Managing Director, APDDCF Ltd., Hyderabad . as there is no provision under APMACS ACT, 1995, to permit a Cooperative Society to covert itself into Producers company or a private Ltd., company and thus exceeded his powers. Thus he violated Rule 3 of AP Civil Services (Conduct) Rules,1964. Hence, the charge.

T.VIJAY KUMAR,
SPECIAL CHIEF SECRETARY TO GOVT.(AGRI, AM&C)

ANNEXURE-II

Statement of imputations of misconduct or misbehavior in support of articles of charge framed against Sri.Ch.Kondaiah, Deputy Registrar (Reid) the then DR/OSD, PDCCB Ltd, Ongole and holding FAC post of DCO,Ongole.

The Milk Commissioner & Registrar of Milk Cooperatives, APDDCF, Hyderabad vide Letter Rc. No.3/P1/2013, Dt.2.3.2013 complained to the Commissioner & Registrar of Cooperative Societies that the Prakasam District Milk Producers Mutually Aided Cooperative Union Ltd., Ongole was converted into a Milk Producer Company based on the No-objection Certificate given by Sri Ch. Kondaiah, the then in-charge District Coop. Officer, Ongole and requested to place Sri Ch. Kondaiah under suspension.

Accordingly, the Commissioner for Cooperation & Registrar of Cooperative Societies, AP., Hyd., placed Sri.Ch.Kondaiah, Deputy Registrar under suspension vide his proceedings .Rc.No.4761/2013/SG-3, Dt.23.3.2013 and the Additional Registrar (Services) of his office was appointed as Inquiry Officer to conduct enquiry in the allegations. Subsequently, Sri.Ch.Kondaiah, Deputy Registrar was reinstated to duty pending enquiry in the office proceedings of Commissioner for Cooperation & Registrar of Cooperative Societies, Rc.No.4761/2013/SG-3, Dt.3.5.2013. On the basis of the Govt. orders in Memo RC.No. 5508/Vg/I11./A2/13 dated 1-5-2013, Additional Registrar (Services) had conducted enquiry and submitted his report in Rc.No.10175/2014/SG-3, dt:09-12-2014 with the following findings :-

a) Sri Ch. Kondaiah, Deputy Registrar (Retired) issued the impugned NOC without exercise of due diligence.

b) He issued the impugned NOC even ignoring the objections raised by the Section Clerk and the Superintendent dealing with the subject.

c) He has deliberately allowed the District Milk Union to go out of the cooperative fold by allowing its registration under the Indian Companies Act, without even taking clearance of the State Government, State Registrar of MACS, Commissioner, Milk and the APDDCF Ltd., which is against public interest.

T.VIJAY KUMAR,
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ANNEXURE-III

List of documents by which the articles of charge framed against Sri Ch.Kondaiah Deputy Registrar (Retd.) the then DR/OSD PDCCB Ltd., Ongole and holding FAC of the post of DCO, Ongole are proposed to be sustained.

1. Letter Rc.No.3/P1/2013, dt.2.3.2013 of Milk Commissioner Registrar of Milk Cooperatives, Andhra Pradesh Dairy Development Cooperative Federation, Hyderabad.

2. Enquiry Report of Addl.Registrar (Services), Office of Commissioner for Cooperation & Registrar of Cooperative Societies, AP.,Hyd.,in letter Rc.No.10175/2014/SG-3, dt.9.12.2014.

T.VIJAY KUMAR,
SPECIAL CHIEF SECRETARY TO GOVT.(AGRI, AM&C)

ANNEXURE-IV

List of witnesses by whom the articles of charge framed against Sri Ch.Kondaiah Deputy Registrar (Retd.) the then DR/OSD PDCCB Ltd., Ongole and holding FAC of the post of DCO, Ongole are proposed to be sustained.

1. Smt.T.Nagamani, Section Superintendent O/o the DCO,Ongole.

2. Sri Phani Raja Kumar, Senior Inspector O/o the DCO,Ongole.

T.VIJAY KUMAR,
SPECIAL CHIEF SECRETARY TO GOVT.(AGRI, AM&C)